

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

CORALEE L. KAMOKU,

Plaintiff,

v.

KILOLO KIJAKAZI, *Commissioner of Social Security*,

Defendant.

Case No. 23-cv-00177-DKW-KJM

**ORDER GRANTING
APPLICATION TO PROCEED IN
DISTRICT COURT WITHOUT
PREPAYING FEES OR COSTS¹**

Plaintiff Coralee L. Kamoku, proceeding pro se, moves for leave to proceed without prepaying fees or costs in this social security appeal ("IFP Application").

Dkt. No. 4.

Federal courts may authorize the commencement of any suit without prepayment of fees or security by a person who submits an affidavit that demonstrates an inability to pay. *See* 28 U.S.C. § 1915(a)(1). While Section 1915(a) does not require a litigant to demonstrate absolute destitution, *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948), the applicant

¹The Court finds these matters suitable for disposition without a hearing pursuant to Local Rule 7.1(c).

must nonetheless show that she is “unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a).

Here, Kamoku has made the required showing under Section 1915(a). In the IFP Application, Kamoku states that she receives \$605 per month in government disability benefits, along with \$400 per month in food stamp benefits. Dkt. No. 4 at 1. She further states that she has \$50.00 in a checking or savings account and a 2008 Ford Explorer XLT vehicle worth approximately \$3,500. *Id.* at 2. She represents that she has monthly expenses of \$50 for car insurance and \$300 for utilities. *Id.*

In light of these figures, Kamoku would not have the means to pay the filing fee for this action while still being able to afford the necessities of life. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234–36 (9th Cir. 2015).² In addition,

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²Based upon the information provided in the IFP Application, after deducting only her monthly insurance and utility expenses, Kamoku would have roughly \$250 per month in (non-food stamp) income left over to cover life’s other necessities, rendering her unable to pay the \$402 filing fee for this action.

Kamoku has insufficient assets to provide security. As a result, the Court GRANTS the IFP Application, Dkt. No. 4.³

IT IS SO ORDERED.

Dated: April 20, 2023 at Honolulu, Hawai‘i.



/s/ Derrick K. Watson

Derrick K. Watson
Chief United States District Judge

Coralee L. Kamoku v. Kilolo Kijakazi, Commissioner of Social Security;
Civil No. 23-0177 DKW-KJM; **ORDER GRANTING APPLICATION TO
PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR
COSTS**

³Because Rule 3 of the recently enacted Supplemental Rules for Social Security Actions provide that a plaintiff is not required to serve a summons and complaint in a social security action, it is unnecessary for the Court to direct service of the Complaint in this case.